REMARKS

The last Office Action has been carefully considered.

It is noted that claim 16-17, 19-20, 22-26, 28, and 33-39 are rejected under 35 U.S.C. 103(a) over the patent to Forderer in view of the patent to Dorner.

Claim 21 and 27 are rejected under 35 U.S.C. 103(a) over the patent to Forderer in view of the patent to Raddle.

Also, claim 26 is rejected under 35 U.S.C. 112.

In connection with the Examiner's rejection of claim 36 under 35 U.S.C. 112 for formal reasons, claim 36 has been amended in compliance with the Examiner's comments. It is believed that the Amendment to claim 36 does not raise any new issues for the examination and/or search after the final action, and therefore the changes to claim 36 can be entered. If however the Examiner feels that there is still some issue of new matter, he is respectfully requested and authorized to cancel claim 36 without prejudice, to enter the Request for Reconsideration.

It is respectfully submitted that in applicant's opinion the present invention as defined in the claims clearly and patentably distinguishes from the prior art applied by the Examiner.

Turning now to the references and in particular to the patent to Forderer, it is respectfully submitted that this reference discloses a power tool with a handle 9 which is connected through an elastic, vibration-damping element 6 with a plug 41 as shown in Figures 2 and 3. A second plug 31 is inserted into an end section 30 on the vibration-damping element 6, to expand the vibration-damping element 6 radially outwardly and thereby to press the vibration-damping element 6 with its outer contour with a receding groove 21 form-lockingly into a corresponding inner contour with holding rib 25 of a housing 2. In the same way also the other end 46 of the vibration-damping element 6 is mounted on the handle 9. Here the plug 41 is inserted into the section 40 of the vibration-damping element 6 as shown in Figures 2 and 3 and described in column 2, line 59, to column 4, line 11. Between the plug 41 and the handle 9 there is no direct contact, since the section 40 of the vibration-damping element 6 surrounds the plug and therefore is located between it and the handle 9. The both plugs 31, 41 are connected with one another through a coupling element 50.

The configuration of the vibration-damping element 20, 21, 22, 23 of the patent to Dorner is substantially similar to the configuration disclosed in the patent to Dorner. However, here the sleeve 50 which serves for expansion of the elastic element is connected with an additional screw 55 on the machine.

The power tool disclosed in the patent to Dorner has a handle 4, which is connected through the vibration-damping elements 20, 21, 22, 23 and plugs 50, 60 with the motor the machine as can be seen from Figure 2. The vibration-damping elements 20, 22, 23 are received at the side of the motor in a cap 41 and at the side of the handle in the seat 26. The plugs 50, 60 serve for expansion of the vibration-damping element 20, 21, 22, 23, to produce a hold on the outer edge in form of a pressing connection as explained in column 4, line 53, to column 5, line 7, as the plugs in the patent to Forderer. The plug 50 at the side of the machine is mounted with a screw 55 on the machine.

In contrast to the patent to Forderer, the patent to Dorner does not disclose any retaining element for preventing the loss of the handle 4 from the motor system 2' in the event of failure of the vibration-damping element 20, 21, 22, 23. Furthermore, the patent to Dorner can not provide the advantages which are provided in the present invention, namely that in the event of a damage of the elastic element a release of

the handle from the machine housing is always reliably prevented. If the elastic element is torn, the handle separates from the machine part. The screw 50 does not take over any retaining functions. It serves exclusively for mounting of the machine-side plug 50.

If the situation deteriorates to a next step and a significant damage takes places, namely the complete loss of the elastic element, in the patent to Forderer the handle will separate from the machine part since the plug 41 in this case has no contact with the handle 9.

In the power tool in accordance with the present invention, the objective is achieved in that, in the event of a defect of an elastic element, a separation of the handle from the machine part is prevented at any time and in all possible situations.

This is achieved by the features which are defined in claim 16. As stated in claim 16:

> "...that prevents a separation of the grip part from the housing if the elastic element is damaged and ensures control of the power tool via the grip part at all times".

With the feature "at all times", the whole spectrum of possible defects or breakdowns of the elastic element is encompassed. Also, in

the extreme situation in which a complete loss of the elastic element takes place, the present invention also achieves its objective.

The power tool of the present invention uses this feature which is absolutely necessary for every retaining system. The system provided for retaining must be completely independent from the system to be retained, since otherwise the breakdown of the system to be protected can influence the retaining system. In the present invention the independence of the retaining system from the system to be retained is achieved. The retaining element 20 because of its construction is completely independent from the condition of the elastic element 14. The retention of the handle 12 is guaranteed at all times. The use of the plug which serves for expansion of the elastic element 14 has no meaning in the present invention since it is possible to dispense completely with such auxiliary means and their mounting.

In the patent to Forderer the above mentioned dependence of the system can be clearly understood. The plug 41 in connection with the coupling 50 and the second plug 31 can operate as a retaining element only as long as the elastic element 22 is in a position to reliably hold the plug 41. This example shows the dependence of the plug 41 from the elastic element 22. The patent to Forderer shows a basically different principle for holding a handle on a machine system than in the

applicant's invention. The construction extends a partially functionality of the elastic element into the mounting region 30, 40. A combination of the patent to Forderer with the patent to Dorner would not provide a person of ordinary skill in the art with any different knowledge or hint or suggestion, since the principles of both patents are identical, and the patent to Dorner even more completely dispenses with the retaining element.

A person of ordinary skill in the art who familiarized himself with the references would have no hint or suggestion to arrive at the applicant's invention from the references, since both damping systems from the patents to Forderer and Dorner have a totally different construction and operation than in the applicant's invention.

The patent to Raddle also does not teach the new features of the present invention.

Claim 16 should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

/ Michael J. Striker /

Michael J. Striker
Attorney for Applicants
Reg. No. 27233